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*Admitted only in Maryland *Admitted only in Virginia •Practice Limited to Federal Agencies

February 28, 2007

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WRITER'S DIRECT NUMBER:

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450 Art Unit (to be assigned)

Attn: Mail Stop Amendment

Re:

U.S. Utility Patent Application

Application No. 10/560,438; Filed: June 14, 2004

For: **Triazolopyrimidines** Inventors: Gebauer *et al.*

Our Ref: 2400.0080000/VLC/BLS

Sir:

Transmitted herewith for appropriate action are the following documents:

- 1. Information Disclosure Statement under 37 C.F.R. § 1.97(b);
- 2. Form PTO/SB/08A (2 sheets);
- 3. Form PTO/SB/08B (1 sheet);
- 4. Copies of sixteen (16) cited references (FP1 FP 12 and NPL1 to NPL4); and
- 5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Sterne, Kessler, Goldstein & Fox PLLC.: 1100 New York Avenue, NW: Washington, DC 20005: 202.371.2600 f 202.371.2540: www.skgf.com

Commissioner for Patents February 28, 2007 Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Attorney for Applicants Registration No. 50,893

BLS/egw Enclosure(s)

646585v1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

GEBAUER et al.

Appl. No.: 10/560,438

Filed: December 14, 2005

For: Triazolopyrimidines

Confirmation No.: 8863

Art Unit:

To be assigned

Examiner:

To be assigned

Atty. Docket: 2400.0080000/VLC/BLS

Information Disclosure Statement under 37 C.F.R. § 1.97(b)

Mail Stop Amendment

Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents FP1 to FP12 and NPL1 to NPL4 are submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, FP2, FP7 to FP9, and FP12, cited on Form PTO/SB/08B:

Document FP2, DE 38 20 538 A1, is in the German language. An English language equivalent of document FP2 is cited as document FP1 and submitted herewith.

Document FP7, WO 02/50077 A2, is in the German language. An English language abstract can be found on the face page of the published patent application.

Document F8, JP 2002-308878, is in the Japanese language. language abstract of document FP8 is cited as document NPL3 and submitted herewith.

Document FP9, WO 03/004465 A2, is in the German language. An English language abstract can be found on the face page of the published patent application.

Document **FP12**, WO 2004/011467 A1, is in the Japanese language. An English language abstract can be found on the face page of the published patent application.

Applicants would also like to bring to the attention of the Examiner that, for the following document, the volume could not be determined to the best of the Applicants' ability: **NPL1**, Chesterfield, J., *et al.*, "Pyrimidines. Part VIII. Halogeno- and Hydrazino-pyrimidines," *J. Chem. Soc.* :3478-3481, Royal Society of Chemistry (1955).

Documents **FP7** and **FP12** were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. 1138 OG 37, 38. The search report is attached as document **NPL4** on the IDS Form, PTO/SB/08B.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

Bryan L. Skelton

Attorney for Applicants Registration No. 50,893

Date: FEBRUARY 20, 2007

1100 New York Avenue, N.W. Washington, D.C. 20005-3934 (202) 371-2600

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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Sheet

(Use as many sheets as necessary)

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of

Complete if Known				
Application Number	10/560,438			
Filing Date	December 14, 2005			
First Named Inventor	GEBAUER, Olaf			
Art Unit	To be assigned			
Examiner Name	To be assigned			
Attorney Docket Number	2400.0080000/VLC/BLS			

	U.S. PATENT DOCUMENTS							
Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines,			
Initials* No.1	No.'	Number-Kind Code ^{2 (If Known)}	MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear			
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Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	
		Country Code ³ Number ⁴ Kind Code ³ (if known)			T ⁶
	FP1	GB 2 206 114 A	12/29/1988	Sandoz Ltd.	
	FP2	DE 38 20 538 A1	01/05/1989	Sandoz-Patent-GmbH	
	FP3	WO 99/32464 A1	07/01/1999	Novartis AG	
-	FP4	WO 99/41255 A1	08/19/1999	American Cyanamid Company	
	FP5	WO 01/11965 A1	02/22/2001	Aventis CropScience GmbH	
	FP6	WO 02/02563 A2	01/10/2002	American Home Products Corporation	
	FP7	WO 02/50077 A2	06/27/2002	Bayer Aktiengesellschaft	ISR
	FP8	JP 2002-308878	10/23/2002	Nippon Soda Co. Ltd.	Abs
	FP9	WO 03/004465 A2	01/16/2003	BASF Aktiengesellschaft	Abs

Examiner	Date	
Signature	Considered	

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Substitute	for form	1449/PT	O .	Complete	Complete if Known		
				Application Number	10/560,438		
INFOR	RMAT	TION E	DISCLOSURE	Filing Date	December 14, 2005		
STAT	STATEMENT BY APPLICANT (Use as many sheets as necessary)			First Named Inventor	GEBAUER, Olaf		
1				Art Unit	To be assigned		
				Examiner Name	To be assigned		
Sheet	2	of	2	Attorney Docket Number	2400.0080000/VLC/BLS		

U.S. PATENT DOCUMENTS							
Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant Passages			
NO.	Number-Kind Code ^{2 (if Known)}	- WIWI-DD-1111	Applicant of Cited Document	or Relevant Figures Appear			
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]	FOREIGN PATENT DO	DCUMENTS	
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	т ⁶
	FP10	WO 03/008417 A1	01/30/2003	BASF Aktiengesellschaft	
	FP11	WO 03/008417 A1 Corrected Version	01/30/2003	BASF Aktiengesellschaft	
	FP12	WO 2004/011467 A1	02/05/2004	Hokko Chemical Industry Co., Ltd.	ISR

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Examiner	Date	,
Signature	Consid	dered

English language Hanslation is attached.
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entute for form 1449/PTO		Со	Complete if Known		
		Application Number	10/560,438		
INFORMATION DISCLOSURE				Filing Date	December 14, 2005
STATEMENT BY APPLICANT				First Named Inventor	GEBAUER, Olaf
			s necessary)	Art Unit	To be assigned
				Examiner Name	To be assigned
Sheet	1	of	1	Attorney Docket Number	2400.0080000/VLC/BLS

		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Chesterfield, J., et al., "Pyrimidines. Part VIII. Halogeno- and Hydrazino-pyrimidines," J. Chem. Soc. :3478-3481, Royal Society of Chemistry (1955)	
	NPL2	Makisumi, Y., "Synthesis of Potential Anticancer Agents. VI. Reactivity of 6-Bromo-s-triazolo[2,3-a]pyrimidines," <i>Chem. Pharm. Bull.</i> 9:814-817, Pharmaceutical Society of Japan (1961)	
	NPL3	Patent Abstracts of Japan, English language abstract for JP 2002-308878 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL4	International Search Report for International Application No. PCT/EP2004/006368, European Patent Office, Netherlands, mailed on August 10, 2005	
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